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77. (New) The display apparatus according to claim 76, further comprising a plurality of electrodes adjacent said display element.

78. (New) The display apparatus according to claim 76 wherein said at least one of the plurality of electrodes has a size different from others of the plurality of electrodes.

79. (New) The display apparatus according to claim 76 wherein said at least one of the plurality of electrodes has a color different from others of the plurality of electrodes.

### REMARKS

Applicants wish to thank the Examiner for his helpful suggestions, recommendations, and time during the telephonic interview on February 27, 2002. Applicants have added new claims 62-79 that Applicants respectfully submit are both in accord with the Examiner's suggestions and patentable over the references previously relied upon by the Examiner.

#### Status of the Claims

Applicants hereby add new claims 61-79, amend claims 38, 42, 51 and 54 and cancel without prejudice claims 43-50 and 52-53. Accordingly, after entry of this amendment claims 38-42, 51 and 54-79 are pending. In accordance with 35 U.S.C. § 1.121, attached is a marked up copy of the amended claims.

#### Amended and New Claims

Applicants have amended claim 38 to require that the third optical property be, "visually different from white and the first optical property." This amendment adds no new matter. Support for this amendment is found throughout the specification and at least at page 29, lines 21-23; and FIGS. 3F-3K and related text. Support for the amendment to claim 42 may be found throughout the specification and at least at page 30, lines 22-27; and FIG. 3I; accordingly, this amendment adds no new matter. The amendments to claims 51 and 54 correct an obvious typographical error and, accordingly, add no new matter.

New claim 61 depends from amended claim 38 and adds no new matter. Support for new claim 61 is found throughout the specification and at least at page 30 lines 22-27; FIG. 3I and related text.

New independent claim 62, and new claims 63-79 dependent therefrom, also add no new matter.

Support for new claims 62-79 is found throughout the specification and at least at page 29, line 21, to page 30, line 22; and FIGS. 3E-3M and related text. For example, support for a full-color electrophoretic display element comprising a first capsule including a first plurality of white particles and a second plurality of particles having a first optical property visually different from white, and a second capsule including a third plurality of particles having a second optical property visually different from white and the first optical property, as set forth in new claims 62-79, may be found at least at page 29, lines 21-23; page 30, line 22 and FIGS. 3E-3K and related text. Further, for example, support for a third capsule including a fifth plurality of particles having a fourth optical property and a fourth plurality of particles having a fifth optical property, as set forth in claims 65-68, may be found throughout the specification and at least at page 30, lines 22-27; FIG. 3I and related text. Support for a first capsule having a fifth plurality of particles with a fourth optical property, a second capsule having a sixth plurality of particles with a fifth optical property and a third capsule having a seventh plurality of particles with a sixth optical property, an eighth plurality of particles with a seventh optical property and a ninth plurality of particles with a eighth optical property, as set forth in claims 75 and 77-79, may be found throughout the specification and at least at page 30, lines 22-27; page 31, lines 15-24; FIGS. 3I and 3M and related text.

In addition, Applicants submit that further support for a full color display, as set forth in claims 62-79, is also found at page 15, lines 23-28; page 16, lines 1-3, page 18, lines 24-28; page 19, lines 1-13; and page 33, line 12 to page 35, line 9. Specifically, Applicants submit that the present application fully supports a full color display produced by any of a number of color models including, but not limited to, RGB displays and CYM displays. Accordingly, Applicants agree with the Examiner's observation at page 5 of the Office Action that "the pending application teaches a full RGB color display, the display element presents a white visual display by white particles," but submit that the teachings of the application are not limited to full color displays that produce color by the RGB color model. Rather, Applicants submit that the pending application teaches a full color display where the display element presents a white visual display by white particles.

Rejections of Claims 38-42, 51, and 54-60

Claims 38-41 and 57-59 were rejected under 35 U.S.C. § 102 (e) as anticipated by U.S. Patent No. 5,961,804 to Jacobson *et al.* ("Jacobson") and claims 42-56 and 60 were rejected under 35 U.S.C. § 103 (a) as obvious over Jacobson. Applicants' have amended claim 38 to require,

A multichromatic electrophoretic display element comprising:  
a first capsule including a first plurality of white particles and a second plurality of particles having a first optical property visually different from white; and  
a second capsule including...a fourth plurality of particles having a third optical property visually different from white and the first optical property;  
wherein...a white visual display is provided by at least said first plurality of white particles.

(emphasis added).

Applicants respectfully submit that Jacobson fails to teach or suggest a multichromatic electrophoretic display element comprising two or more capsules where the optical properties of two pluralities of particles in one capsule are visually different from one another and visually different from the optical properties of at least one plurality of particles in the other capsule. Jacobson also fails to teach or suggest a multichromatic electrophoretic display element as set forth in Applicants claim 38, wherein a white visual display is provided by at least a first plurality of white particles. In contrast, as Applicants believe the Examiner acknowledges on page 5 of the Office Action, Jacobson discloses that the display element presents a white visual display by a process of individual three red, green and blue particles, i.e., by a process white. As a result, Jacobson fails to teach or suggest every element of Applicants' claim 38. Accordingly, Applicants respectfully submit that amended independent claim 38, and claims 39-42, 51, and 54-61 that depend therefrom, are neither anticipated nor rendered obvious by Jacobson and are in condition for allowance.

Rejections of Claims 43-50 and 52-53

Claims 43-50 and 52-53 were rejected under 35 U.S.C. § 103 (a) as obvious over Jacobson. Without acquiescing to the rejection, Applicants have canceled without prejudice

claims 43-50 and 52-53. Accordingly, Applicants respectfully submit that the rejection of claims 43-50 and 52-53 are moot in light of the cancellation of these claims.

Further Remarks on New Claims 62-79

Although new claims 62-79 have not been examined, Applicants provide the following remarks with respect to Jacobson. Applicants submit that Jacobson does not teach or suggest a full color display as set forth in new claims 62-79. Specifically, Jacobson fails to teach or suggest a full color display "wherein a white visual display is provided by at least [a] first plurality of white particles," as set forth in claims 62-79. Rather, Jacobson discloses that for his full color display a white visual display is provided by a process white, i.e., for example, by combining the optical properties of red, green and blue particles. As a result, Jacobson fails to suggest every element of Applicants' new claims 62-79. Accordingly, Applicants respectfully submit that claims 62-79 are neither anticipated nor rendered obvious by Jacobson and are in condition for allowance.

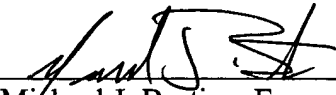
CONCLUSION

Based on the above amendments and remarks, Applicants respectfully submit that claims 38-42, 51, and 54-79 are in condition for allowance. If, in the Examiner's opinion, a telephonic interview would serve to clarify issues and expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

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**MARKED UP COPY OF CLAIM AMENDMENTS**

38. (Twice Amended) A multichromatic electrophoretic display element comprising:  
a first capsule including a first plurality of white particles and a second plurality of particles having a first optical property visually different from white; and

a second capsule including a third plurality of particles having a second optical property and a fourth plurality of particles having a third optical property visually different from white and the first optical property;

wherein the element presents a visual display in response to the application of an electrical signal to at least one of said first capsule and said second capsule; and wherein a white visual display is provided by at least said first plurality of white particles.

42. (Amended) The electrophoretic display element of claim 38 further comprising:

in said first capsule, a fifth plurality of particles having a fourth optical property visually different from white and the first optical property;

in said second capsule, a sixth plurality of particles having a fifth optical property visually different from the second optical property and the third optical property; and

a third capsule including a seventh species of particles having a sixth optical property, an eighth species of particles having a seventh optical property, and a ninth species of particles having an eighth optical property;

wherein the element presents a visual display in response to the application of an electrical signal to at least one of said first capsule, said second capsule, and said third capsule.

51. (Amended) The electrophoretic display element of claim [1] 38 wherein at least one of the optical properties comprises color.

54. (Amended) The electrophoretic display element of claim [1] 38 wherein the capsules further include a suspending fluid.